

REMARKS

Claims 127 and 162 have been amended herein. Support for the amendments can be found throughout the specification, including paragraphs [0021], [0024], [0025], [0031], [0032], [0040], [0086], the examples, and the claims as originally filed. Claims 2-17, 19-32, 34-51, 53-65, 67-74, 76-85, 87-91, 93-101, 103-115, 117-126, 128-138, 140-146, and 148-156 have been previously cancelled. Claims 1, 18, 33, 52, 66, 75, 86, 102, 116, 139, 147, and 157 have been previously withdrawn. Claims 92 and 158-161 are cancelled by this Amendment. Accordingly, Claims 127 and 162-165 remain pending. In view of the remarks and amendments herein, reconsideration is respectfully requested.

Claims 92, 127, and 158-165 stand rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. More specifically, the examiner asserts that Claim 92 and the claims dependent thereon are indefinite based on the amendment to a method of determining “healthy vs. damaged areas” of a heart vasculature. The examiner asserts that the description only describes that SEQ ID NO: 4 binds the trkB receptor in the microvasculature and suggests amending the claims as such. The examiner further asserts that it is unclear how the claimed invention quantifies the definition of a “healthy heart” vs. a “damaged heart.”

While Applicants disagree with the examiner’s assertions, Claim 92 has been cancelled in order to further prosecution. Claim 127 has been amended to specifically refer to the binding of SEQ ID NO: 4 to trkB receptor(s) of the microvasculature of the heart as suggested by the examiner. In addition, Applicants note Claim 127 does not contain the phrases “healthy heart” or “damaged heart” objected to by the examiner.

The examiner has further noted in the pending Office Action that SEQ ID NO: 4 was not found to be reasonably taught or suggested by the prior art of record. As stated above, Claim 127 does define the conjugate administered to the mammal as including the amino acid identified in SEQ ID NO: 4.

In view of the foregoing, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. §112, second paragraph with regard to pending Claims 127 and 162-165. The rejection of Claim 92 and Claims 158-161 are now moot in view of their cancellation.

Accordingly, it is now believed that this application is in condition for further consideration and examination. If resolution of any remaining issues is required prior to the examination of the application, it is respectfully requested that the examiner contact Applicants' attorney at the telephone number provided below.

Respectfully submitted,

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